

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1733 OF 2005

Charkop Rosary Co-op.Housing
Society & anr.

Petitioners

vs.

Brihanmumbai Mahanagarpalika
& 8 ors.

Respondents

Ms.Umesh Shetty for the petitioners.

Ms.Priti Purandare for the respondents.

**CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.**

DATED : 5th September, 2006

P.C.

Rule. Heard forthwith.

2. Considering Section 209-A of the Mumbai Municipal Corporation Act and the Scheme framed by the Corporation, it is not necessary to set out the facts in extenso.

3. Pursuant to the scheme, the Municipal Corporation on an application by Cooperative Housing Society assesses each flat independently for the purposes of property tax and other taxes. Considering that petitioners are directed to move an application to the respondents within two weeks from today. On such an application being made, the respondents to consider such application

and dispose of the same within four weeks thereafter.

4. In so far as charges claimed towards levy of attachment and other penalties, it will be open to the respondents to claim such charges after hearing the petitioners and pass appropriate orders according to law.

5. Till such time the orders are passed on the petitioners application, the respondents not to take steps to sell the building for recovery of the dues as claimed from the petitioners herein. After the orders are passed and the petitioners pointing out the names of defaulting members, the respondents to take steps to recover the dues from such defaulting members by following due procedure.

6. Rule is made absolute with no order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)